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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,697	05/31/2001	Kang-hun Lee	1293.1202	6206

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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

NGUYEN, KIMBERLY D

ART UNIT PAPER NUMBER

2876

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/867,697	<b>Applicant(s)</b> LEE ET AL.	
	<b>Examiner</b> Kimberly D. Nguyen	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 30 September 2003.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-34 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-34 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \*    c)  None of:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a)  The translation of the foreign language provisional application has been received.
- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

**DETAILED ACTION**

*Amendment*

1. Acknowledgement is made of Amendment filed 30 September 2003.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 4-7, 9, 14-17, 20-24, 26-27, and 30-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamashina (JP10-138667).

Re claims 4-7, 14-16, 20-24, 26-27, and 30-34: Yamashina teaches a recording and/or reproducing unit allowing a user of a trading card to receive subject-related data from a subject printed on the card, the recording and/or reproducing unit comprising:

a recording and/or reproducing unit recording and/or reproducing subject-related data stored in the trading card 1 according to manipulation commands from the user, wherein the subject-related data comprises moving picture information arranged in a sequence using serial numbers, still picture information, voice or sound information, or text information (i.e., video information and aural information; see abstract; figs. 1-11; paragraphs 50-57).

Re claim 17: Yamashina teaches a system, wherein the housing unit comprises a coating film (fig. 2; paragraphs 22-31).

4. Claim 28 is rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al. (US 6,083,009; hereinafter "Kim").

Kim teaches a method of recording subject-related data/new-songs from a web site to a trading card using an encoding unit which is inherent within the system, comprising: downloading the subject-related data from the web site to a computer; providing the subject-related data from the computer to the encoding unit; and recording the subject-related data comprises moving picture information, still picture information, voice or sound information, or text information (col. 1, lines 30-43; col. 2, lines 35-67).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashina (JP10-138667) in view of Moreno (US 4,007,355).

Re claims 1-2: Yamashina teaches a trading card 1 communicating with recording and/or reproducing units (fig. 10) to receive messages from a subject printed on the trading card, the trading card comprising:

a data storage unit 2 storing subject-related data of the subject printed on the trading card, wherein the data storage unit reproduces and transmits the subject-related data to the recording and/or reproducing units (fig. 10) in the form of an optical or radio signal to simultaneously reproduce the subject-related data of the subject printed on the trading card in the recording and/or reproducing units (abstract; figs. 1-11; paragraphs 9, 13-16, 50-57).

Although, Yamashina teaches the data storage unit receives a command from the recording and/or reproducing units to reproduce/display image information (see paragraph 56). Yamashina fails to teach or fairly suggest that the recording and/or reproducing units record the subject-related data stored in the recording and/or reproducing units onto the trading card.

Moreno teaches a recording and/or reproducing units (i.e., the data recording device) record/writing (i.e., means for recording the data contents of the memory in the portable electronic device which is coupled with the said reading means; see col. 2, lines 5-7) the subject-related data stored in the recording and/or reproducing units onto the trading/payment card (col. 1, line 68 through col. 2, line 6; col. 3, lines 40-68; col. 10, line 60 through col. 11, line 35).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the recording/writing functionality into the smart card/reader system in order to provide up-to-data to the trading/payment card.

7. Claims 3, 18-19, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashina in view of Pace (US 5,689,561).

Yamashina teaches a trading card communicating with a recording and/or reproducing unit to receive messages from a subject printed on the card, the trading card comprising:

a data storage unit receiving a recording command from the recording and/or reproducing unit to record and store the subject-related data stored in the recording and/or reproducing unit from the subject; and

a housing unit containing and protecting the data storage unit (abstract; figs. 1-11).

Yamashina fails to teach or fairly suggest the housing unit comprises a serial number identifying the trading card.

Pace teaches a trading card system having a floppy disk (56 in fig. 7), wherein the housing (210 in fig. 7) has a unique serial number (216 in fig. 8) to identify the floppy disk (col. 8, lines 14-37).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the unique serial number to identify the disk as taught by Pace to the teachings of Yamashina in order to prevent unauthorized copy or duplication of the disks to further ensure that the disk is original manufactured.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashina in view of Raasch et al. (US 5,956,877; hereinafter "Raasch").

Yamashina teaches a system, comprising subject-related data stored in the trading cards, and transmitting the subject-related data, wherein the subject-related data comprises moving pictures; and a recording and/or reproducing apparatus receiving the subject-related data and processing to reproduce the moving pictures via a display unit (abstract; figs. 1-11; paragraphs 50-57).

Yamashina fails to teach or fairly suggest the moving pictures arranged in a sequence using serial numbers, and sequentially reproduce the moving pictures via a display unit.

Raasch teaches a continuous strip of frame images in related sequence by using security indicia, serial number, limited edition number, or combinations thereof (col. 4, lines 14-39; and col. 12, lines 51-58).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate moving pictures arranged in sequence using serial number as taught by Raasch to the teachings of Yamashina in order to keep track of the pictures/images by

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their serial numbers to further provide a capability to display a desired picture/image instantly by its serial number or to sequentially display the pictures/images on the display unit.

9. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashina in view of Muroi (US 2002/0052238). The teachings of Yamashina have been discussed above.

Yamashina fails to teach or fairly suggest the data storage unit is a connectionless semiconductor integrated circuit (IC) interfacing with a transmission and reception unit in the recording and/or reproducing unit to transmit or receive the subject-related data and operational power.

Muroi teaches a trading card with electronic recording medium having a transponder for data communication with the display/monitor (paragraphs 6, and 39-40), which serves as the data storage unit is a connectionless semiconductor integrated circuit (IC) interfacing with a transmission and reception unit in the recording and/or reproducing unit to transmit or receive the subject-related data and operational power.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the connectionless/connection semiconductor integrated circuit interface as taught by Muroi to the teachings of Yamashina in order to provide the connectionless/connection semiconductor to the trading card to protect and/or preserve the card device from being damaged by wear-and-tear, etc.

10. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashina in view of Tsutsui (JP 406215010; hereinafter "Tsutsui"). The teachings of Yamashina have been discussed above.

Yamashina is silent with respect to the recoding and/or reproducing unit further comprises an earphone connection jack.

Tsutsui teaches an information recording and/or reproducing device, which comprises an earphone B4.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the earphone within the recoding and/or reproducing unit as taught by Tsutsui to the teachings of Yamashina in order to provide an outputting audio option to the user.

#### ***Response to Arguments***

11. In response to Applicants' argument that "... that the card 1 includes "a recording and/or reproducing unit recording and/or reproducing subject-related data on/stored in the trading card according to manipulation commands from the user" emphasis added, as recited in independent claim 4"; the Examiner respectfully submits that, based on the claim language of claim 4, "recording and/or reproducing subject-related data", which can be broadly interpreted as "recording **or** reproducing subject-related data"; therefore, Yamashina still meets the limitations as set forth in claim 4, that is, Yamashina teaches reproducing the data on the display (see paragraph 56).

#### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.

KDN  
29 December 2003



**MICHAEL G. LEE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2876**